

FILED

MAR 18 2020

Attachment A

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Lazaro Quiroga-Cedeno.
Plaintiff

Your full name

FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)

v.
Ms. M. Blumling teacher et al,
Ms. M. Thompson Supervisor et al,
Ms. J. Ridenour Teacher et al

Civil Action No.: 5:20-cv-00027
(To be assigned by the Clerk of Court)

5:20cv53

Ms. K. Barkson, Nurse et al,
Mr. R. Beckward, Compound Officer et al
Mr. B. Adams Warden et al

Bailey
mazzone
Blalock

Enter above the full name of defendant(s) in this action

I. JURISDICTION

This is a civil action brought pursuant to **Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Lazaro Quiroga-Cedeno Inmate No.: 06288-000
Address: F.C.I. Hazelton
P.O. Box 5000 Ricefork Mills WV 26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: Ms. M. Blumling
 Position: Teacher
 Place of Employment: FCI Hazelton
 Address: 1640 Sky View Drive
Bowceton Mills, WV, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: I was subjected to
covert and unusual treatment because her retaliation
toward me.

B.1 Name of Defendant: Ms. M. Thompson
 Position: Supervisor
 Place of Employment: FCI Hazelton
 Address: 1640 Sky View
Bowceton Mills, WV, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: she is the education
supervisor and was aware of all the facts. She
failed to take corrective action.

B.2 Name of Defendant: Ms. J. Ridemour
 Position: Teacher
 Place of Employment: FCI Hazelton
 Address: 1640 Sky View
Bowceton Mills, WV, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

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If your answer is "YES," briefly explain: she is the Teacher
she retaliated and Harassed me using her
power and authority to cover wrong doing by
others

B.3 Name of Defendant: Ms. R. Banks
 Position: Nurse
 Place of Employment: FCT Hazelton
 Address: 1640 Sky View
Bruceston, Mills, WV, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: she Treated me
with cruel and unusual treatment on 01/21/2020.

B.4 Name of Defendant: R. Reedman
 Position: Compound Officer
 Place of Employment: FCT Hazelton
 Address: 1640 Sky View
Bruceston, Mills, WV, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He retaliated on
me obstructing my Due process right by
abuse his authority stopping me from
participate in the library Jan 15, 2020

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B.5 Name of Defendant: PAUL ADAMS
 Position: Warden
 Place of Employment: FCT Hazelton
 Address: 1640 Sky View
Broceton Mills, WV 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He is the warden
He is behind all this harassment and retaliation
by his staff and failed to take corrective action

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: F.C.I Hazelton

A. Is this where the events concerning your complaint took place?
☒ Yes ☐ No

If you answered "NO," where did the events occur?

not applicable

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☐ Yes ☒ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
☐ Yes ☒ No

D. If your answer is "NO," explain why not: The Court erroneously
miscounted my Declaration (Doc. 58-61) in my attempt to
initiate four new civil case. The Declaration were attempted
on my behalf to state the Court the obstruction of Justice and abuse of
power that staff in FCI Hazelton and FCI McDowell, WV, are conducting to interfere in
my case 1:19-cv-00064

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 not applicable
 LEVEL 2 not applicable
 LEVEL 3 not applicable

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☒ Yes ☐ No
- B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): Lazaro Quiroga Cedeño

Defendant(s): Ms. Barbara Rickard, Polbay Randan

2. Court: U.S. District Court of West Virginia - Bluefield Division
 (If federal court, name the district; if state court, name the county)

3. Case Number: 1:19-cv-00064

4. Basic Claim Made/Issues Raised: usurpation of power and authority, obstruction of justice, violation of my Fifth Amendment due process right and right to fair trial by jury, fraud, misrepresentation, misconduct by her staff

5. Name of Judge(s) to whom case was assigned:
Chief J. Obaid Hosain Magistrate Judge.
DAVID A. FABER, U.S. District Judge

6. Disposition: Pending.
 (For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: January 25, 2019

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8. Approximate date of disposition. Attach Copies: Pending.
- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?
☒ Yes ☐ No
- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.
1) Administrative Remedy ID. 918649-A-1 Level III Exhausted. Incident Rpt. 3039907, Code 307 From October 02, 2017.
2) Administrative Remedy ID. 939314-R3. None. Row Approved Treatment by SERO Director in Atlanta, GA. J.A. Keller, He along with Rec. Hazelton WV and FCI Williamsburg, SC. Warden M. B. Antonelli, hit me with
- E. Did you exhaust available administrative remedies? A retaliatory prison transfer it stopped in level II
☐ Yes ☒ No
- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.
ID. 918649-A1, was exhausted. ID. 939314-R3, no exhausted, non-approved treatment. It was stopped in level II SERO. Atlanta, GA. Retaliation trying to get this remedy exhausted, it was used by J.A. Keller and M. B. Antonelli to hit me with a retaliatory prison transfer.
- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"
1. Parties to previous lawsuit:

"See Attachments."

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDY.

Quinones-Cedeno v. Antonelli; Civil Action No. 5:20-cv-00030
Plaintiff, Defendant,

Neglect by Harsh Abuse of Power and Authority. Obstruction of Justice, Violation of my Fifth Amendment Due Process Rights and a retaliatory Prison Transfer. Allowing unprofessional misconduct by staff toward Plaintiff.

Court: U.S. District Court for the Northern District of West Virginia.

Name of Judge(s) to whom case was assigned:

None Yet.

Disposition: Pending.

Aproximate date of filing lawsuit. February 12, 2020

Quinones-Cedeno v. Bluemling; Civil Action No. 1:20-cv-00027
Plaintiff, Defendant,

Plaitiff has suffered mental and emotional distree, aggravation, annoyance and inconvenience and other damages toward him, loss of standing in the Education Department doing his legal work due to Education Specialist Ms. M. Bluemling and other staff.

Court: U.S. District Court for the Northern District of West Virginia.

Name of Judge(s) to whom case was assigned;

None Yet.

Disposition: Pending.

Aproximate date of filing lawsuit. February 12, 2020

Quinones-Cedeno v. Healey; Civil Action No. 1:20-cv-00031
Planitiff, Defendant,

Mistreatment and Discrimination. Plaintiff was merely subjected to cruel and unusual punishment because staff, acting outside of their function in the kitchen (allowing inmates to instructing them what to do) chose to fire Plaintiff because they need to discredit Plaintiff to get foreman cook Healey and Handlin removed from the facility. Inmates along with staff needed to get Plaintiff out of the kitchen detail. Compound officer R. Reckard, in conjunction with foreman cook T. Thorne, were returning Plaintiff from the kitchen in retaliation for this attached letter Plaintiff wrote to U.S. President, in the past and Plaintiff allowed compound officer R. Reckard to read it. (Attached).

Court: U.S. District for the Northern District of West Virginia.

Name of Judge(s) to whom case was assigned:
None Yet.

Disposition: Pending.

Approximate date of filing lawsuit. February 12, 2020

The Court erroneously misconstrued Plaintiff's Declaration (Documents No. 58-61) in an attempt to initiate four new Civil Action pursuant to Bivens v. Six unknown Federal agents of Federal Bureau of Narcotics. The Declarations were attempt on behalf of Plaintiff to state to the Court the Obstruction of Justice and Abuse of Power that staff in F.C.I. McDowell, WV., and staff at F.C.I. Hazelton, WV., are conducting in order to interfere with Plaintiff's Legal Process.

Quinones-Cedeno v. Resh; Civil Action No. 3:20-cv-00027
Plaintiff. Defendant.

Cruel and unusual treatment and deliverancete indifference (standard) of Eighth Amendment. Medical needs of Plaintiff health by (Supervisor liability, "obduratly." "wantonly," or "with deliverate indifference." A sufficiently serious deprivation occurred by prison official's by act or omission...result[s] in the denial of the civilized measure of life's necessities.

Court: U.S. District Court for the Northern District of West Virginia.

Name of Judge(s) to whom the case was assigned:
None Yet.

Disposition: Pending.

Approximate date of filing lawsuit. February 12, 2020

The Court erreously misconstrued Plaintiff's Declarations (Documents No. 58-61) in an attempt to initiate four new Civil Action pursuant to Bivens v. Six unknown Federal Agents of Federal Bureau of Narcotics. The Declarations were attempt on behalf of Plaintiff to state to the Court the Obstruction of Justice and Abuse of Power that staff at F.C.I. McDowell, WV., and staff at F.C.I. Hazelton, WV., are conducting in order to interfere with Plaintiff's Legal Process.

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Plaintiff(s): " See Attachments "Defendant(s): " See Attachments "

2. Name and location of court and case number:

U.S. District Court For the Northern
District of West Virginia.

3. Grounds for dismissal:
- ☐
- frivolous
- ☐
- malicious
-
- ☐
- failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit:
- 02/12/2020

5. Approximate date of disposition:
- Pending

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: Ms. M. Blumling, Violation of my Fifth, Fifth, Fifth Amendment
of the Constitution, Retaliation, Obstruction of Justice, Unprofessional
Conduct toward me

Supporting Facts: " See Attachment "

IV. STATEMENT OF CLAIM.

of Supporting Facts Ms. M. Bluemling.

On Monday, October 07, 2019, I asked Associate Warden A. Garcia, to help me to find a box with some of my property that appeared to be lost. I couldn't get property officer E. Andrew to assist me with it.

The conversation took place in front of Education Supervisor Ms. M. Thompkis. Same day harsh retaliation ensued upon me in Education by Education Teacher Ms. Bluemling. She begins to harass me for the first time in front of Education Supervisor Ms. M. Thompkis. Since then she is giving me a very hard time getting through the metal detector, for no reason. I know she has to do her job but, not to harass me in retaliation for my filing complaints. Case point due to that harassment against me from her I was obligated to file an issue on Dec. 30, 2019, which still pending in the warden office. Since then, she has been interrupting my legal work in the library.

Also, on Tuesday, October 08, 2019, day after I requested A.W. A. Garcia, to help me to find the box with missing property, I received a third box with some property and some legal documents, in the property room. There I found hidden and openned the PROPOSED FINDINGS AND RECOMMENDATIONS entered on June 26, 2019. By memorandum Opinion and Judgment Order entered on September 25, 2019, United States District Judge David A. Faber, adopted the undersigned's recommendation, dismissed plaintiff's Amended Complaint, and removed case No. 1:19-cv-00064, from the Court's active docket. This constant harassment by Ms. Bluemling and the others, under Education Supervisor Ms. M. Thompkis and Warden Paul Adams' authority is an Abuse of Power obstructing Civil Case No. 1:19-cv-00064, pending in the District Court of West Virginia, Bluefield Division.

Twice on Dec. 18, 2019 and Jan 09, 2020, I was checked in the Clinic for chest pain (which could be a heart attack symptom) due to Education Teachers Ms. Bluemling and Ms. J. Ridenour, which could've placed my life at risk.

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CLAIM 2: MS. M. THORP Nis. she Allowed this Harassment and Retaliation by her staff in violation of the First, Fifth, eight Amendment Due Process.

Supporting Facts: She was aware the above mentioned facts in the complaint and has failed to take corrective action.

CLAIM 3: MS. J. RIDENOUR. Has violated my First And Eight Amendment of the constitution by retaliating and Harassing me.

Supporting Facts: The First Amendment prohibit any person officials from retaliating against inmates who report complaints, file grievances or file a lawsuits. This way of retaliation offends the constitution and threatens to inhibit to exercise of our perfect right (see Attached)

CLAIM 4: MS. K. BOWLSON. violated plaintiff First Amendment Right by engaging in a retaliatory conduct

Supporting Facts: she refused to provide plaintiff proper Medical care 01/21/2020. stating I have not medical

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Issue. She mistreated plaintiff in an unprofessional manner stating "Quit Bull-shitting. (Read Attached Mon-Hospital Medical Center Report Jan 10, 2020)

CLAIM 5: PAUL ADAMS. He is in violation of the Fifth, Fifth, Eight Amendment Neglecting his duties And responsibilities as a warden

Supporting Facts: He is Aware of all the Facts mentioned in the statement claim and has Failed to take corrective action

VI. INJURY

Describe **BRIEFLY and SPECIFICALLY** how you have been injured and the exact nature of your damages.

Suffering monetary loss, mental and emotional distress, Aggravation Annoyance and inconvenience loss of my ability to obtain a good job, and subsequent loss of programming credit for a full time job. This has caused me unreasonable hardship causing a loss of money and peaceful living. A higher risk of heart damages due to distress and other damages. (Read Mon-Hospital Medical Center's report dated 01/10/20)

VII. RELIEF

State **BRIEFLY and EXACTLY** what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

For the reason of the statement claim, this Civil Action case NO. 1:20-cv-00027 should be running concurrent with case NO. 1:19-cv-00064 pending in U.S. District Court of WV, Bluefield Division. And at the same time, I'm requesting complex warden M.B. Antonelli; warden Paul ADAMS, education supervisor Ms. M. Thompson, education Teachers Ms. M. Blumling and Ms. J. Ridenour to be terminated from the (FBOP) or removed from this Federal complex in WV, for abuse of Power and obstruction of Justice.

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at F.C.I. Hazelton, WV. on MARCH 12, 2020.
(Location) (Date)



Your Signature